

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**PAO XIONG,**

**Plaintiff,**

**v.**

**WILLIAM McCORMICK et al.,**

**Defendants.**

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**Case No. CIV-17-873-G**

**ORDER**


Plaintiff, a federal prisoner appearing pro se, filed this action asserting the violation of his federal constitutional rights. The matter was referred to United States Magistrate Judge Bernard M. Jones for initial proceedings in accordance with 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b). On July 24, 2019, Judge Jones issued a Report and Recommendation (“R. & R.”) (Doc. No. 136), in which he recommended that Defendants’ Motion to Dismiss (Doc. No. 91) be granted and that: (i) Plaintiff’s First Amendment claims be dismissed with prejudice; (ii) Plaintiff’s equal protection claims be dismissed without prejudice; and (iii) Plaintiff’s pending motions be denied.

Judge Jones advised the parties of their right to object to the R. & R. Judge Jones also advised the parties that the failure to timely object would result in a waiver of the right to appellate review of the factual and legal issues contained in the R. & R. Plaintiff requested and was granted one extension of time and was directed that any objection must be filed no later than August 28, 2019 (Doc. No. 138). That deadline has passed and, to

date, Plaintiff has neither filed an objection nor sought an additional extension of time to do so.

Accordingly, the Magistrate Judge's Report and Recommendation is ADOPTED as though fully set forth herein. Defendants' Motion to Dismiss (Doc. No. 122) is GRANTED, Plaintiff's pending Motions (Doc. Nos. 115, 122) are DENIED, and Plaintiff's claims are dismissed in their entirety. A judgment shall be issued forthwith.

IT IS SO ORDERED this 3rd day of September, 2019.

  
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CHARLES B. GOODWIN  
United States District Judge